



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

5720
ARSF-F
May 15, 2013

MR MICHAEL MORISY
MUCKROCK NEWS
DEPT MR 5189
PO BOX 55819
BOSTON MA 02205-5819

Dear Mr. Morisy:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST, FILE
NUMBER USMC-HQ 2013F040583

This refers to your May 12, 2013, FOIA request for "any communications" between Beyoncé Knowles, her legal representatives and others working on her behalf and the US Marine Corps Marching Band, the Marine Corps FOIA office and any other section of the Marine Corps likely to have communicated with Beyoncé and/or her representatives between November 15, 2012, and the date that your request is processed. We received your request on May 13, 2013, and assigned it file number **USMC-HQ 2013F040583**.

You assert that you are a representative of the news media. Based on your request and the information provided, however, you do not appear to fall within the definition of 'news media'. For instance, it does not seem that any editorial skill or expertise will be applied to the requested information to turn it into a distinct work; it will simply be made available to the public at large. I also do not find that the requested information actually constitutes 'news' about current events or that it would be of current interest to the public. For these reasons, your request must be denied. If you can provide additional support for 'news media' status, however, we will be glad to reconsider this determination.

You also requested a waiver of all fees. Before making a decision, we must first determine whether your request meets the Department of Defense (DoD) requirements for fee waivers, taking into consideration the following factors:

1. Does the record specifically concern identifiable operations or activities of the Government?

2. If so, is disclosure likely to contribute to public understanding of these operations and activities? Are the releasable contents of the record(s) meaningfully informative in relation to the subject of the request? For example, is this information of wide public interest and will your disclosure be unique in enhancing public knowledge?

3. Is the focus on contributing to public understanding rather than the requester's own understanding or that of a narrow segment of interested persons?

4. Will any likely contribution to public understanding be significant?

Requests for fee waivers should address these requirements in sufficient detail for us to make an informed decision, as each request is considered on its own merits. In your response, please include an explanation of how the records you are looking for would be meaningfully informative to the general public regarding Marine Corps operations and how that contribution of knowledge would be significant.

You asked that we inform you of the expected total charges before we begin fulfilling your request. Please note that search time includes time spent reviewing records to determine whether they are, in fact, responsive; time spent reviewing them for releasability is not included in the estimate. We identified 16 individuals who may have responsive records. Based on an estimate of time necessary for each to search for both electronic documents and handwritten notes and folders, we expect that a thorough search reasonably calculated to identify responsive records would cost approximately \$653. This figure includes the time of personnel ranging from clerical to executive, and hours are charged at \$20/hour, \$44/hour or \$75/hour depending upon the paygrade of the person conducting the search. Because the estimated charges exceed \$250 and you have no payment history with us, we are required to obtain payment in advance. Inasmuch as the specified amount is just an estimate, however, we can reduce the advance payment to 50% of the expected final search cost. Please remit your check or money order made out to the U.S. Treasury in the amount of \$350. Once received, we will be glad to begin processing your request.

We have categorized you as an "other requester" for the purpose of assessing FOIA processing fees. You are entitled to two hours of search time and 100 pages of duplication free of charge but would be responsible for the payment of any fees beyond that. See 32 C.F.R. § 286 Subpart F.

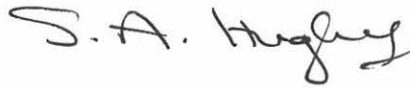
In view of the above, you may consider this to be an adverse determination that may be appealed to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

Questions concerning this action should be directed to Ms. Barbara Gonzalez at (571) 256-8636 or (703) 614-4008, or via email to smb.hqmc.foia@usmc.mil or fax at (703) 614-6287. Please reference the file number in the subject line above. Finally, please note that I am the

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official responsible for this determination. Should you have questions or concerns, you may contact me at (703) 614-4008.

Sincerely,

A handwritten signature in black ink, appearing to read "S. A. Hughes". The signature is written in a cursive style with a large, stylized "H" and a long, sweeping underline.

S. A. HUGHES
Head, FOIA/PA Section